

**REMARKS**

Reconsideration is requested.

The claims have been amended, without prejudice, to advance prosecution. No new matter has been added. Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

The applicants offer the following background to the presently disclosed invention.

Tularemia is an infection that can kill within a few days by causing severe pneumonia. It is a potential biological warfare agent, but also a problem in some areas in Europe; notably Sweden that may have sporadic epidemics of 3000 cases in a year. The applicants understand that there was a live vaccine made by the United States, but this has been pulled as being unstable and potentially harmful.

Although civilian agencies in several countries believe this to be of no concern, the military in those same countries (who may be at risk either to a biological attack or get the disease while on maneuvers) are very concerned and there is a need for a vaccine. One aspect of the presently disclosure is based on an interest in using tularemia as a vehicle for testing concepts such as whether one vaccine can be used to protect against another disease (e.g. B. abortus OPS vs tularemia) and/or whether toxin(s) and virulence factor(s) can be identified by a new strategy.

The Section 101 rejection of claims 1-6 is obviated by the above amendments. Withdrawal of the rejection is requested.

To the extent not obviated by the above, the Section 112, second paragraph, rejection of claims 1-6 is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above, the following and the attached.

Claim 1 recites the molecular weight of now-canceled claim 2 as well as the pH of the growth media. The recitation of weak acidity has been deleted, without prejudice. The reference to synthetic salts medium will be understood by one of ordinary skill in the art as being a defined synthetic media, as opposed to an undefined media of, for example, beef extract. Claim 3 has been revised in response to the Examiner's comments and concerns. Support for the amendments can be found throughout the specification. No new matter has been added. The claims are submitted to be definite and withdrawal of the Section 112, second paragraph, rejection is requested.

The Section 112, first paragraph "enablement", rejection of claims 1-6 is obviated by the above amendments. The Examiner's comment that the specification is "enabling for "an isolated and purified protein from *Francisella tularensis* which has a molecular weight of around 52kDa"" (see page 4 of the Office Action dated October 12, 2006) is acknowledged, with appreciation. The claims are submitted to be supported by an enabling disclosure and withdrawal of the Section 112, first paragraph "enablement", rejection is requested.

The Section 102 rejection of claims 1 and 3-6 over Golovliov (Vaccine 1995, 15(3):261-267) is obviated by the above amendments which add the details of novel claim 2 (now canceled) to claim 1, from which claims 3-6 depend. Withdrawal of the Section 102 rejection is requested.

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The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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